

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

THOMAS G. STEWART,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
LORIE DAVIS, <i>Director, TDCJ-CID</i> ,	)	
	)	
Respondent.	)	Civil Action No. 3:16-CV-3306-C-BN

**ORDER**

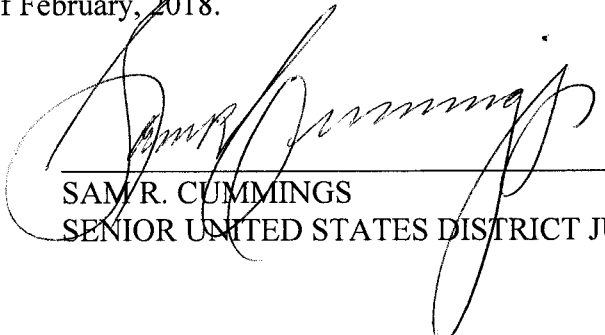
On this day, the Court considered Petitioner Thomas G. Stewart's petition for writ of habeas corpus under 28 U.S.C. § 2254, filed November 10, 2016, Respondent's Motion to Dismiss, filed March 30, 2017, and Petitioner's Response, filed April 24, 2017. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation on January 22, 2018, recommending that the Motion to Dismiss be granted. Neither party filed any written objections and the time to do so has now expired.

The Court has reviewed the Findings, Conclusions, and Recommendation of the Magistrate Judge for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Respondent's Motion to Dismiss is **GRANTED** and the above-styled and -numbered petition under 28 U.S.C. § 2254 is **DISMISSED as time-barred**.

All relief not expressly granted by this Order is **DENIED**. Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability should be denied. Petitioner has failed to show that a reasonable jurist would

find (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 15<sup>th</sup> day of February, 2018.



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE